

RECEIVED  
CENTRAL FAX CENTER

JAN 28 2008

**REMARKS**

Applicants expressly reserve the right to prosecute the nonelected subject matter in a divisional application should this prove necessary.

Regarding the traversal, Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement altogether.

According to the Examiner, the claims do not relate to a single general inventive concept because they lack the same or corresponding special technical feature. The Examiner finds the special technical feature to be introducing functional DNA operably linked to a promoter into the Rosa26 locus of a mouse cell. The Examiner relies on the first paragraph on page 3 of the instant specification.

However, Applicants believe that Groups I and III are reasonably connected, as the transgenics having a modified Rosa26 locus of group III are made via ES cells having a modified Rosa26 locus and moreover, a transgenic having a modified Rosa26 locus is composed of cells having a modified Rosa26 locus. Therefore, Applicants respectfully submit that Groups I and III at least should be examined together.

Early and favorable action is earnestly solicited.

Respectfully submitted,

NORRIS MC LAUGHLIN & MARCUS, P.A.

By

Kurt G. Briscoe  
Attorney for Applicant(s)  
Reg. No. 39,141  
875 Third Avenue - 18<sup>th</sup> Floor  
New York, New York 10022  
Phone: (212) 808-0700  
Fax: (212) 808-0844

USSN 10/541,683  
Response to Restriction Requirement